THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.26598 OF 2005

Dt.16.12.2005

Between:

Sri Ayyappa Swamy Sewa Samithi,

Jiyaguda, Hyderabad, rep. by its Secretary,

K.Laxman … Petitioner

And

The Commissioner of Police,

Hyderabad and 3 others. … Respondents

ORDER:

Heard the learned counsel for the petitioner as well as the learned Government Pleader for Home on behalf of the respondents.

Sri Ayyappa Swamy Sewa Samithi represented by its Secretary filed this writ petition seeking a direction to the first respondent to grant permission to the petitioner to perform Ayyappa Padi Pooja, Annadanam and take procession with elephant (Ambari) on 18.12.2005 from 6.00 p.m., to 9.00 p.m., from Bharata Abhyudaya High School, Jiyaguda to certain places and to return back to the said High School.

It is stated that the petitioner Society was registered under the A.P.Public Societies Registration Act, 2001 with aims and objectives to promote Indian tradition, culture, vedic culture, to perform all

religious ceremonies for Lord Ganapathi and Swamy Ayyappa Padi Pooja, Annadanam, medial facilities etc., in accordance with the registered bye-laws. It is stated that last year also the petitioner performed Ayyappa Padi Pooja, Annadanam and elephent procession (Ambari) and public personalities were also attended and the 4th respondent also made security arrangements and the said procession went off peacefully without any disturbance whatsoever.

This year also the petitioner Society proposes to take over procession of Lord Ayyappa Swamy on elephant from Bharata Abhyudaya High School, Jiyaguda on 18.12.2005 from 6.00 p.m., to 9.00 p.m., and accordingly the petitioner submitted an application on 19.11.2005 before the first respondent requesting to grant permission for the said procession starting from Bharata Abhudaya Pathasala via Bhimnagar, Kamela Road, New Ganga Nagar, Valmiki Nagar, Navodaya Nagar, Kesavaswamy Nagar, Vithal Rukmini Temple, Mahankali Temple and return to the said Bharata Abhudaya High School. It is further stated that the elephant, which is being used to participate in the procession, belongs to Shiv Math and it is guarded by well trained 8 Mahotees while in procession. The petitioner Society also has undertaken all the responsibilities to assure the safety of the procession from the elephant.

The learned Government Pleader appearing on behalf of the respondents submits that the places selected by the petitioner are happens to be the communal tension areas and if the procession is allowed there is likelihood of arising law and order problem. It is further stated that previously during the process of Bibi-ka-Alam started from Bibi-ka-Alwa to Chaderghat, an elephant of Nehru Zoological Park suddenly got enraged near Imliban Bus Stand and started running towards Aga Khan-Zohra, helter shelter as a result of which some of the vehicles were damaged and people who participated in the procession got scared due to sudden running of unauthorized elephant and accordingly a case in Cr.No.31 of 2004 under Sections 336 and 427 IPC was registered on 20.2.2005 by the Station House Officer, Rein Bazar Police Station against the

organizers who conducted the procession.

Having regard to the facts and circumstances of the case, I am of the opinion that as the petitioner has undertaken all the responsibility for the peaceful procession of elephant (Ambari) and the elephant which is being used to participate in the procession belongs to Shiv Math which is guarded by well trained 8 Mahotees, it is just and proper to direct the first respondent to grant permission for the said procession by the petitioner.

Accordingly, the first respondent is directed to take decision by tomorrow for granting of permission in favour of the petitioner to take out Sri Ayyappa Swamy Seva Samithi procession on elephant (Ambari) from Bharata Abhyudaya High School, Jiyaguda on 18.12.2005 from 6.00 p.m., to 9.00 p.m., by providing necessary security subject to imposition of certain terms and conditions for the maintenance of law and order problem.

The writ petition is accordingly disposed of. No costs.

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(V.ESWARAIAH, J.)

16.12.2005

Note: Issue copy by today

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